

**MEMORANDUM**

DATE: March 21, 2005

TO: Workgroup Members

FROM: Mimi R. Garstang, Director and State Geologist,  
Geological Survey and Resource Assessment Division,  
Missouri Department of Natural Resources

SUBJECT: Solid Waste Rule Revision Workgroup

Thank you for agreeing to serve on the Solid Waste Rule Revision Workgroup. Please allow me to provide some background information explaining why the decision has been made to revise the rule and a brief synopsis of what the Missouri Department of Natural Resources (MoDNR) would like to accomplish through your participation.

Prior to the passage of Senate Bill 60 (SB 60) in 1995, the solid waste permitting process generally involved an applicant obtaining a consulting firm to explore a given site. The consultant then conducted a detailed site investigation, prepared a facility design and presented both in one document. Data, interpretations, and the design documents were then submitted to the department for approval. Thus the department's first knowledge that a site was under consideration for a landfill normally occurred when the applicant believed the process was completed. Because the department often had little or no input into the exploration program or design, multiple phases of exploration were often undertaken and detailed designs were revised multiple times prior to departmental approval. The process was inefficient and sometimes led to approval of solid waste disposal sites in geological settings that were not well-suited for that purpose.

When SB 60 was passed, a major goal of the legislation was to incorporate geohydrologic information into the site approval/denial process prior to the design phase. The intent was to approve or deny the site (based on geology and hydrology) before the applicant had spent a lot of money on detailed exploration and land acquisition and prior to designing the facility. The intent was to eliminate those sites where the risks to the public were the greatest and where extraordinary design would be required to reduce those risks. Because the process requires that geologists from the Geological Survey and Resource Assessment Division (GSRAD) be involved up-front, the department and the applicant work together to make sure that approved

sites are well-understood, groundwater is monitorable and that the interests of the public are taken into consideration.

The rule that was written to support SB 60 did not list all geologic conditions that would render a site “unsuitable”. It largely placed the responsibility for making that determination in the hands of GSRAD. While the process has worked well to provide guidance for additional exploration in most instances and streamlined site approvals, there have been occasions when the applicant did not agree with the disapproval of particular sites. In some instances, engineering solutions have been offered to overcome the natural limitations of a site.

We have asked you to participate in this work group to: 1) assist in selecting a broad-based stakeholders group to prepare a rule amendment and 2) apply your technical skills and experience in framing the technical siting issues for the larger stakeholders group. We are not asking you to write a rule at this time. We need your input to address which general areas the stakeholders should focus on to make the rule clearer and more effective while retaining protection for human health and the environment and considering a broad spectrum of viewpoints. Any participant of this work group who chooses to continue with the stakeholder process will be encouraged to participate in the broader stakeholder process as well.

General topics that we anticipate discussing include:

1. Site Suitability-What conditions make a site suitable or unsuitable for the environmentally-sound disposal of solid waste?
2. Engineering Controls- How should engineering controls be factored in to the site suitability determination stage?
3. Waste Classification- To what degree should different types of waste (monofills, demolition waste, municipal waste) be treated differently with respect to site suitability and allowable engineering controls?
4. Stakeholder Group Constituents- How do we assure that a broad spectrum of the regulated community and public are involved in the process?

I am including a copy of the Missouri statutes that pertain to solid waste disposal, the most relevant portions of the rule that support the statute, and portions of the Federal Law dealing with siting issues. We anticipate convening an initial meeting near the end of March and we hope you have time to become familiar with these prior to our meeting.

Thank you once more for agreeing to serve the citizens of Missouri in this way.